

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

YOHAN WEBB,

Plaintiff,

vs.

CITY OF LINCOLN, MATTHEW
FRANKEN, (Investigator, LPD);
UNKNOWN BY NAME, Female-
Caucasian, LPD Officer; LANCASTER
COUNTY, UNKNOWN BY NAMES,
Correction Officers (LCJ); LINCOLN
JOURNAL STAR NEWSPAPER, Owner
& Editor Unknown by Name; and 1011
NEWS, Owner and News Reporter(s)
Unknown by Name,

Defendants.

4:21CV3031

**MEMORANDUM
AND ORDER**

After initial review of Plaintiff's Amended Complaint on November 5, 2021, (Filing 50), the court ordered that this action would proceed to service only against Defendants Lancaster County and the City of Lincoln for the **sole purpose** of permitting Plaintiff to serve interrogatories on these Defendants in order to determine the identity of individuals who are employed by these Defendants and who are alleged to have violated Plaintiff's constitutional rights. (Filing 50 at CM/ECF p. 24.)

The court ordered that after service of process has been obtained on the City and County, after such Defendants have entered an appearance, and after Plaintiff learns the identities of the currently unnamed Defendants, Plaintiff shall file a supplement with the court containing **only** the names of such Defendants within 60 days of the date of that Memorandum and Order (which was dated November 5,

2021). The court directed that after such Defendants are identified, service of process would be ordered on all Defendants, except for the City of Lincoln and Lancaster County, which shall be dismissed from this action. (Filing 50 at CM/ECF p. 25.)

Because service of process upon Defendants City of Lincoln and Lancaster County was not completed until December 9, 2021 (Filings 59 & 60), and Plaintiff did not serve the interrogatories on those Defendants until December 26, 2021 (Filing 63), Plaintiff has filed a Motion to Extend Time (Filing 63) to file a supplement with the court containing the names of the as-yet unidentified Defendants. The court will grant Plaintiff's Motion.

IT IS ORDERED:

1. Plaintiff's Motion to Extend Time (Filing 63) to file a supplement with the court containing the names of the as-yet unidentified Defendants is granted;

2. By February 4, 2022, counsel for Defendants City of Lincoln and Lancaster County shall answer Plaintiff's interrogatories sent on December 26, 2021, providing the names of the following individuals who are alleged in the Amended Complaint to have violated Plaintiff's constitutional rights:

- Unknown by Name, Female Caucasian, LPD Officer, who allegedly assisted Officer Franken in arresting and transporting Plaintiff to the Hall of Justice on July 25, 2018.
- Unknown by Names, Correction Officers (LCJ), who dealt with Plaintiff in his assigned POD-R cell at the Lancaster County Jail and who allegedly placed him in a suicide restraint chair, injured his arm, and exposed him to unconstitutional conditions of confinement from July 25, 2018, to July 28, 2018.

3. By February 18, 2022, Plaintiff shall file a supplement with the court containing **only** the names of the Defendants referenced in paragraph (2) above.

Plaintiff shall include no additional Defendants or allegations, and should he do so, such material will be stricken. After such Defendants are identified, service of process will be ordered on all Defendants, except for the City of Lincoln and Lancaster County, which shall be dismissed from this action.

4. The clerk of the court shall set a pro se case management deadline as follows: February 18, 2022—supplement providing names of unidentified Defendants due.

DATED this 4th day of January, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge